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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,800	10/26/2001	Steven D. Green	BT00PCO/00E6100	7492

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EXAMINER

PALADINI, ALBERT WILLIAM

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 08/05/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,800

Applicant(s)

GREEN ET AL.

Examiner

Albert W Paladini

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-162 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 92-96 is/are allowed.
- 6) ☒ Claim(s) 1-91 and 97-162 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 7-8, 9-13, 26-32, 44-46, 47-50, 60-65, 77-78, 84-86, 100-102, 105, 107, 110-112, 117-119, 122, 124, 126-132, 136-137, 139-142, 148, 149, and 151-153 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements and structural cooperative relationships of elements, such omission amounting to a gap between the necessary elements and structural connections. See MPEP § 2172.01.

Claim 7

There is no means to determine an "operation fault condition."

Claim 9

It is not understood where the "condition signals" originate, since there are no means to sense conditions.

Claim 26

The phrase "maintenance condition" is not understood. Does this imply that a maintenance action has begun, but stopped at some point before completion? There are no means recited to ascertain the condition.

Claim 44

The claim does not recite how the "operation conditions" are determined.

Claim 47

There are no sensors or other means to determine "lift conditions."

Claim 60

The claim does not recite how a "maintenance condition" is determined.

Claim 77

The claim does not recite how a "maintenance condition" is determined.

Claim 84

There are no means to determine an "operation fault condition."

Claim 100

The claim does not recite how the "lift conditions" are determined.

Claim 105

The claim does not recite how the "lift conditions" are determined.

Claim 107

The claim does not recite how the “tool conditions” are determined.

Claim 110

The claim does not recite how the “operation conditions” are determined.

Claim 117

There are no means recited to determine the “lift conditions.”

Claim 122

There are no means recited to determine the “lift conditions.”

Claim 124

There are no means recited to determine the “tool conditions.”

Claim 126

The phrase “maintenance condition” is not understood. Does this imply that a maintenance action has begun, but stopped at some point before completion? There are no means recited to ascertain the condition.

Claim 128

There are no means recited to determine the “lift conditions.”

Claim 130

There are no means recited to determine the "lift conditions."

Claim 136

There is nothing recited which can determine an "operation fault condition," so that a signal will be generated.

Claim 139

The phrase "maintenance condition" is not understood. Does this imply that a maintenance action has begun, but stopped at some point before completion? There are no means recited to ascertain the condition.

Claim 148

There are no means recited to determine the "operation conditions."

Claim 149

The phrase "maintenance condition" is not understood. Does this imply that a maintenance action has begun, but stopped at some point before completion? There are no means recited to ascertain the condition.

Claim 151

Lines 8-9 recite "said enclosure to be configured to be carried by said plate."

But since line 8 recites, "enclosure comprising a plate," the plate is part of the enclosure, so that the plate cannot carry the enclosure.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-35, 38-66, 70-87, 97-102, 104-119, and 121-162 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saunders (6286629).

This rejection is made to the extent that the claims are understood.

In figure 1 Saunders discloses a moveable lift engagement structure with a first computer processor 11 which can control the lifting and lowering of the structure 1, and a second computer processor 41 which displays the data which is entered to control the lift.

Accumulator or processor 41 receives an input from sensor 43, which is connected to a sensor (not shown) about the height of the platform. When the platform has reached the desired height, accumulator 41 causes controller 11 to shut off hydraulic pump 12.

Elements like "tool conditions," lift conditions," "operation fault conditions," etc. were not addressed, because as demonstrated in paragraphs 1 and 2, they were not understood.

Allowable Subject Matter

6. Claims 92-96 are allowed.
7. Claims 36, 37, 67-69, 88-91, 103, and 120 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter:

None of the references cited or the art searched disclose or teach alone or in combination the vehicle lift with the user interface having three switches in the specific

configuration recited in claim 92 in combination, and in the same relationship with the other elements of claim 92.

None of the references cited or the art searched disclose or teach alone or in combination the vehicle lift system, which includes the computer, interfaces recited in claims 36, 37, 67-69, 103, and 120.

None of the references cited or the art searched disclose or teach alone or in combination the vehicle lift system, which includes the latching and switching arrangement recited in claims 88-90 including the other related elements.

Relevant Prior Art

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Simon (5299904) discloses a vehicle lift system with a contact sensor for transporting a wheelchair, which includes a controller coupled to a raise/lower mechanism, where the contact sensor sends a signal to the controller when the platform contacts the ground.

Chisum (5341575) discloses an apparatus which utilizes a digital computer to provide measurement data for accurate repair of a damaged vehicle, but which also includes data from X, Y, and Z rollers when the vehicle is on the platform.

Becklund (5829948) discloses a lift apparatus with a remote up and down controller, where the lift table can be configured to perform other functions by the addition of auxiliary devices.

Art Unit: 2125

10. Any inquiry concerning this communication or earlier communication from the examiner should be direct to Albert W. Paladini whose telephone number is (703) 308-2005. The examiner can normally be reached from 7:30 to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Leo P. Picard, can be reached on (703) 308-0538. The official fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239, and after final faxes should be directed to (703) 746-7238.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

July 30, 2003



Albert W. Paladini
Primary Examiner
Art Unit 2125